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Regulations appointing a Commission to administer Muhammadan Church Property.

WHEREAS considerable property in the East Africa Protectorate has been dedicated as Wakf by Muhammadan natives, or has become Wakf by process of law;

And whereas it is desirable that provision should be made for preventing the diversion of such property or of any property which may hereafter become or be made Wakf to improper uses, and for insuring its due administration;

Now therefore, I, Arthur Henry Hardinge, Her Majesty's Commissioner and Consul-General for the East Africa Protectorate, do hereby make the following Regulations in accordance with Article 45 of "The East Africa Order in Council, 1897":—

1. The persons hereinafter designated and their successors are hereby declared to be a body corporate under the name or title of "The Wakf Commissioners for the East Africa Protectorate."

2. The first Commissioners shall be the four persons following, namely:

Salim-bin-Khalfan.
Ali-bin-Salim.
Nasir-bin-Kasim.
Ali-bin-Omar.

The said four Commissioners and their successors are hereinafter referred to as the appointed Commissioners.

Every appointed Commissioner shall hold office until he retires or is removed by Her Majesty's Commissioner and Consul-General, but no person shall be removed except for good cause.

When a vacancy among the appointed Commissioners occurs by reason of death, resignation, or removal from office, Her Majesty's Commissioner and Consul-General shall appoint a successor.

3. The appointed Commissioners may from time to time elect not more than three persons to be additional Wakf Commissioners, but every such election shall be subject to the approval of Her Majesty's Commissioner and Consul-General.

4. The Commissioners shall have a common seal of such pattern as may hereafter be approved, and shall be capable of suing and being sued in their corporate capacity. At all meetings of the Commissioners for the transaction of business four Commissioners shall be a quorum, of whom not less than three must be appointed Commissioners.

5. All Wakf property, of which there are now, or may hereafter be, no properly-constituted trustees or trustee, is hereby vested in the Commissioners.

6. The Commissioners shall keep a register of all Wakf property, and every trustee of a Wakf is hereby required to register the same with the Commissioners within two months from the application of these Regulations to any portion of the East Africa Protectorate in which the Wakf is to take effect, for which registration a fee of 1 rupee will be charged, and he shall be liable to a penalty not exceeding 1,000 rupees for failure to comply with this requirement.

7. The Commissioners may call upon the trustees of any Wakf to satisfy them that the property is being properly administered, and may summon any person who has control of Wakf property to produce any document or book of accounts relating to such property that may be in his possession.

No contract relating to Wakf property hereafter entered into by a trustee shall have any validity without the sanction of the Commissioners.

8. In any case where there appears to be no properly-constituted trustee of a Wakf, or where a trustee appears to be acting in an improper or unauthorized manner, the Commissioner may apply to the chief Native Court (hereinafter called the Court), and if the Court shall find there is no authorized trustee, it shall make an order declaring that the property has vested in the Commissioners, or if it is of opinion that any duly authorized trustee is not administering the Wakf in a proper manner, it may remove the trustee and either appoint another or other trustees in his place, or may make an order vesting the property in the Commissioners.

9. The Commissioners shall in all cases administer Wakf properties under their charge in strict accordance with the intentions of the founder of the Wakf, provided that such intentions are lawful and capable of being carried out.

10. In cases where (*a*) such intentions cannot be carried out, or (*b*) where any surplus revenue remains after fulfilling the intentions of the founder, the Commissioners may, with the sanction of the Court, apply such original property or such surplus revenue for such good or charitable purposes on behalf of the Muhammadans as may appear desirable.

11. Where it appears to the Commissioners in any case that the intentions of the founder of the Wakf cannot reasonably be carried into effect, and that it is accordingly expedient that the property or some portion thereof should be sold, the Court may, on the application of the Commissioners, order a sale thereof, and the proceeds of such sale shall be applied as provided by the foregoing section (§ 9).

12. All property of deceased Muhammadan natives to which no claim can be established shall vest in the Commissioners, but no such property shall be handed over to the Commissioners without the sanction of the Court.

13. The Commissioners shall keep accounts of all properties and funds dealt with by them, which shall be from time to time audited by the local Auditor.

14. The Commissioners may, with the approval of Her Majesty's Commissioner and Consul-General, make Rules for the conduct of their business, and generally for giving effect to these Regulations.

15. These Regulations may be cited as the "Wakf Commissioners Regulations," and shall apply to such portion or portions of the East Africa Protectorate, and to such portion or portions only as Her Majesty's Commissioner and Consul-General may by public notification from time to time direct.

(Signed)

Allowed:

SALISBURY.

Foreign Office,
July 11, 1900.

Regulations Appointing a Commission to Administer Muhammadan Church Property. n. d. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 29 Apr. 2016.

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